

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,)	CR 12-3-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
ROBERT J. CONGDON, dba)	
CORNERSTONE FINANCIAL, INC.,)	
and K&B INVESTMENTS, LLC,)	
)	
Defendant.)	
_____)	

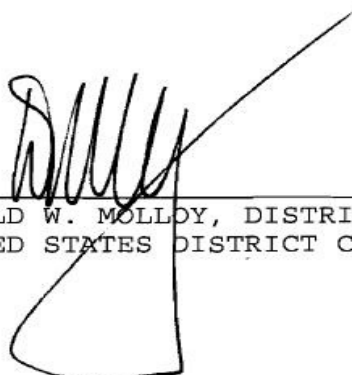
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on February 22, 2012. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Robert J. Congdon’s guilty plea after Congdon appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to each of the following charges set forth in the Information: (1) one count of mail fraud in violation of 18 U.S.C. §§ 2 and 1341 (Count I), (2) one count of wire fraud in violation of 18 U.S.C. §§ 2 and 1343 (Count II), and (3) fourteen counts of money laundering in violation of 18 U.S.C. §§ 2 and 1957 (Counts V, VI, VII, X, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII and XXIII). Defendant has also agreed to the forfeiture allegations advanced under 18 U.S.C. § 982(a)(1). In exchange for Defendant’s guilty pleas, the United States has agreed to dismiss Counts III, IV, VIII, IX, XI, XII, and XIII of the Information.

I find no clear error in Judge Lynch’s Findings and Recommendation (dkt # 12), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

DATED this 15th day of March, 2012.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT